

**COMMONWEALTH of VIRGINIA**  
*DEPARTMENT OF ENVIRONMENTAL QUALITY*

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

**PIEDMONT REGIONAL OFFICE**

4949-A Cox Road  
Glen Allen, Virginia 23060  
(804) 527-5020  
Fax (804) 527-5106  
[www.deq.state.va.us](http://www.deq.state.va.us)

Robert G. Burnley  
Director

Gerard Seeley, Jr.  
Piedmont Regional Director

**WASTE MANAGEMENT BOARD ENFORCEMENT ACTION  
ORDER BY CONSENT  
ISSUED TO  
Brunswick Waste Management Facility, LLC  
Permit No. 583**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Waste Management Board and Brunswick Waste Management Facility, LLC for the purpose of addressing certain violations of the Virginia Waste Management Act and the Virginia Solid Waste Management Regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the Virginia Waste Management Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1401 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.

5. “Order” means this document, also known as a Consent Order.
6. “Brunswick landfill” means the sanitary landfill located in Brunswick County, Virginia, owned and operated by Brunswick Waste Management Facility, LLC under Permit Number 583.
7. “Facility” means the waste management site permitted to accept sanitary solid waste under Permit No. 583, located in Brunswick County, Virginia. The site is located approximately  $\frac{3}{4}$  mile south of State Route 678, and approximately 1 mile south of State Route 606, which is approximately three miles east-southeast of the Town of Lawrenceville.
8. “PRO” means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. “VSWMR” means the Virginia Solid Waste Management Regulations 9 VAC 20-80-10 *et seq.*

### **SECTION C: Findings of Fact**

1. Brunswick landfill owns and operates the sanitary landfill operating under Permit Number 583, which is located in Brunswick County, Virginia approximately three miles east-southeast of the Town of Lawrenceville.
2. On September 23, 2004, DEQ staff conducted an inspection of the Facility and found a number of violations of the Permit and the VSWMR. These violations include the following:
  - The disclosure statement on file dated June 1, 2004 appeared to be incomplete and incorrect.
  - The Brunswick County Inspection staff were not included in the site safety program.
  - Unpermitted discharge of leachate into state waters.
  - Failure to report the unpermitted discharge of leachate to state waters within 24 hours of discovery to the Department.
  - Record keeping deficiencies, specifically no documentation of Saturday inspections.
3. On November 9, 2004, a Notice of Violation was issued for the above violations.
4. On December 13, 2005, a meeting was held with Brunswick landfill to discuss the above Notice of Violation. During the meeting, the Department was informed that all of the above deficiencies have been corrected.

#### **SECTION D: Agreement and Order**

Accordingly, the Board, by virtue of the authority granted in Va. Code § 10.1-1455 orders Brunswick landfill, and Brunswick landfill voluntarily agrees to pay a civil charge of \$3,150 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia," deliverable to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Brunswick landfill, for good cause shown by Brunswick landfill, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Brunswick landfill on November 9, 2004. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Brunswick landfill admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Brunswick landfill consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Brunswick landfill declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

6. Failure by Brunswick landfill to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Brunswick landfill shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Brunswick landfill shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Brunswick landfill shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.


Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Brunswick landfill. Notwithstanding the foregoing, Brunswick landfill agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Brunswick landfill. Termination of this Order, or any obligation imposed in this Order, shall

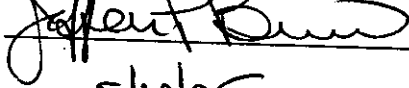
not operate to relieve Brunswick landfill from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below, Brunswick landfill voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 29<sup>th</sup> day of June, 2005.

  
Robert G. Burnley, Director  
Department of Environmental Quality

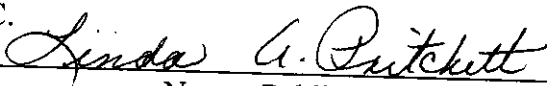
Brunswick landfill voluntarily agrees to the issuance of this Order.

By:   
Date: 5/18/05

Commonwealth of Virginia

City/County of Brunswick

The foregoing document was signed and acknowledged before me this 18<sup>th</sup> day of May, 2005, by Jeffrey Peter Burrier, on behalf  
(name)  
of Brunswick Waste Management Facility LLC.

  
Notary Public

My commission expires: My Commission Expires October 31, 2006